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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,020	03/08/2000	Waichi Yamamura	257743	2745

7590

12/10/2002

PILLSBURY WINTHROP LLP  
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EXAMINER

DERRINGTON, JAMES H

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 12/10/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)	
09/522,020	YAMAMURA ET AL.	
Examiner	Art Unit	
James Derrington	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on **26 November 2002**.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) **1-10 and 14** is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) **1-10 and 14** is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau of the Patent Cooperation Treaty (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

Claims 1-10 and 14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment (preliminary amendment with RCE) that recites the straightness of which is "smaller than the" straightness of said base material does not have clear basis in the original specification. Applicant's response has referenced page 17, lines 17-27 of the specification; however, this disclosure does not support the amendment. Applicant has also directed attention to the phrase "all within 0.5 mm". The context of this phrase however deals with a comparison of glass rods 106 produced from the disclosed process and not a comparison of the produced glass rod and the standard rod (Note page 17, lines 29-34). With regard to new claim 14, this claim appears to be intermediate in scope between the original disclosure of a standard rod of metal or ceramic and the original claims. Applicant has not pointed out support for the word "different" which includes for example, a plastic material.

Claims 1-10 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendment (preliminary amendment with RCE) that recites the straightness of which is "smaller than the" straightness of said base material is vague and indefinite. The scope of this phrase is unclear. It is not clear how the how straightness of bodies can be compared with the term "smaller".

In the parent application, the examiner suggested claim language to place the application in condition for allowance. With reference to page 14 and Fig. 7, this suggestion is repeated and modified as follows with the following new claim 15:

15. A method for manufacturing a glass rod, which is a parent material of an optical fiber, comprising:

adjusting an axis of an apparatus for elongating a base material, which is a parent material of said glass rod, by adjusting a vertical inclination of a standard rod having a predetermined straightness, wherein the standard rod is placed in a hanging mechanism and an elongating mechanism of the device to adjust an axis;

removing the standard rod; and

heating and elongating said base material along an axis of said standard rod, said vertical inclination of which is adjusted, to generate said glass rod.

The cited prior art does not show or reasonably suggest this process.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Abstract of Japan, JP-10-114536.

This reference discloses the process of forming a glass rod by heating and elongating a base material. The process also includes vertical adjustment or inclination

of the material by movement of the hanging mechanism 1 and/or the elongating mechanism 43. Because of the current claim language, the instant claims do not patentably distinguish over the disclosure of this reference. This position is taken because the term "standard rod" is not defined and in fact is readable on the glass rod of the reference.

Applicant's amendment does not obviate the rejection over this reference for the following reasons. The amended claims are inclusive of a process practiced by the reference where a first glass preform is drawn by the apparatus and a second preform with a minuscule difference in straightness is drawn in a second use of the apparatus. One of ordinary skill in the art would understand that the apparatus of JP-10-114536 could be used multiple times. The process of JP-10-114536 includes vertical adjustment or inclination by movement of the hanging mechanism 1 and/or the elongating mechanism 43 as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Derrington whose telephone number is 703 308-3832. The examiner can normally be reached on 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7718 for regular communications and 703 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

jd  
December 6, 2002

  
JAMES DERRINGTON  
PRIMARY EXAMINER  
ART UNIT ~~137~~ 1731